IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 32681 of 2006(N)

PETITIONER:

N.P.BABU, S/O. PADMANABHAN,
AGED 41 YEARS, NJARAMPILLY HOUSE,
KURICHILAKODE, KODANAD VILLAGE,
KOOVAPPADY PANCHAYAT, PERUMBAVOOR - VIA.,
ERNAKULAM DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

1. KOOVAPPADY GRAMA PANCHAYAT, REP. BY
ITS SECRETARY, OFFICE OF THE KOOVAPPADY GRAMA
PANCHAYAT, KODANAD P.O., PERUMBAVOOR-VIA,
ERNAKULAM DISTRICT.

2. THE VILLAGE OFFICER,
KODANAD VILLAGE, KODANAD P.O.,
ERNAKULAM DISTRICT.

3. THE GEOLOGIST,
MINING AND GEOLOGY DEPARTMENT, ERNAKULAM.

4. THE S.I. OF POLICE,
KODANAD POLICE STATION.

5. THE DISTRICT COLLECTOR,
ERNAKULAM.

6. AVARACHAN, S/O. PAILY,
PUTHENPURA HOUSE, KURICHILAKODE,
KODANAD VILLAGE, PERUMBAVOOR-VIA,
ERNAKULAM DISTRICT.

7. JOSHI, S/O. SCARIA PUTHENPURA,
PUTHENPURA HOUSE, KURICHILAKODE,
KODANAD VILLAGE, PERUMBAVOOR-VIA,
ERNAKULAM DISTRICT.

8. THE DISTRICT ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
ERNAKULAM, KOCHI-20.

R2 TO R5 BY ADV. SRI.MATHEW G. VADAKKEL, SR. GOVT. PLEADER.
R8 BY ADV. SRI. M.K. CHANDRAMOHAN DAS, SC, PCB.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 32681 OF 2006

Dated this the 13th day of December, 2006

JUDGMENT

Sri.M.K. Chandramohan Das takes notice on behalf of the 8th respondent.

2. The grievance of the petitioner is that respondents 6 and 7 are conducting quarrying illegally. I do not propose to consider the genuineness of the grievance or the merits of the grounds raised. The Writ Petition will stand disposed of with the following directions:

The 8th respondent will conduct an inspection of the premises which are the subject matter of this Writ Petition. The inspection shall be with notice to the petitioner and also respondents 1 to 7. On the basis of that inspection, a report, on the correctness of the allegations levelled by the petitioner, will be submitted by the 8th respondent before the Panchayat within three weeks of his visit. The Panchayat upon receiving such report will issue notice to the petitioner and respondents 6 & 7 again, hear all the three of them and take a decision. Decision as ordered above will be taken by the Panchayat at the earliest and at any rate within one month of receiving the report from the 8th respondent.

PIUS C. KURIAKOSE, JUDGE

btt